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PTO/SB/21 (04-07)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/664,485

Filing Date

September 17, 2003

First Named Inventor

Daisuke HABA

Art Unit

2615

Examiner Name

D. Paul

Attorney Docket Number

393032040600

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

☐ After Allowance Communication
to TC

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please
Identify below):

copy of Chinese office action
(includes English translation)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MORRISON & FOERSTER LLP (Customer No. 25224)

Signature

Printed name

David T. Yang

Date

August 17, 2007

Reg. No.

44,415

I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 17, 2007

Signature: _____

(Beverly S. Carter)

I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Dated: August 17, 2007

Signature:

(Beverly S. Carter)

Patent

Docket No. 393032040600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inter Patent Application of:
Daisuke HABA

Examiner: D. Paul

Group Art Unit: 2615

Serial No.: 10/664,485

Filing Date: September 17, 2003

For: ELECTRO-ACOUSTIC APPARATUS

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the U.S. documents listed on the attached Form PTO/SB/08a/b. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO/SB/08a/b were cited in a Chinese office action mailed on June 8, 2007 (copy enclosed with English abstract), directed to a counterpart foreign application and have not been previously cited. A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This Information Disclosure Statement is submitted:

- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- ☒ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is

Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorize the Director to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **393032040600**.

Dated: August 17, 2007

Respectfully submitted,

By 

David T. Yang

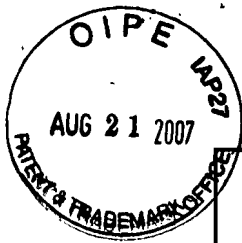
Registration No.: 44,415

MORRISON & FOERSTER LLP

555 West Fifth Street

Los Angeles, California 90013-1024

(213) 892-5587



ALTERNATIVE TO PTO/SB/08A/B (04/07)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/664,485
				Filing Date	September 17, 2003
				First Named Inventor	Daisuke HABA
				Art Unit	2615
				Examiner Name	D. Paul
Sheet	1	of	1	Attorney Docket Number	393032040600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-4,545,276	10-08-1985	Curletto	
	2.	US-4,634,090	01-06-1987	Currie et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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la-934837

The State Intellectual Property Office of the People's Republic of China

Lungtin Int'l Intellectual Property Agent Ltd. Peikun PAN and Xianying LOU	Issuing Date: June 8, 2007
Application No.: 03158567.1	
Applicant: YAMAHA CORPORATION	
Title of Invention: Electro-Acoustic Apparatus	

THE FIRST OFFICE ACTION

1. ☒ At the applicant's request for substantive examination, the examiner has proceeded the substantive examination on the above-mentioned patent application for invention in accordance with the provisions of Article 35(1) of the Chinese Patent Law.

☐ The Patent Office has decided to proceed a substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(2) of the Chinese Patent Law.

2. ☒ The applicant requested to designate:

the filing date September 19, 2002 in the Japan Patent Office as the priority date,

the filing date _____ in the _____ Patent Office as the priority date,

the filing date _____ in the _____ Patent Office as the priority date,

the filing date _____ in the _____ Patent Office as the priority date, and

the filing date _____ in the _____ Patent Office as the priority date.

☒ and a copy of the first filed patent application has been submitted.

☐ but a copy of the first filed patent application has not been received. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.

3. ☐ Upon examination,

_____ has filed on _____ is not in conformity with the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law.

_____ has filed on _____ are not in conformity with the provisions of Article 33 of the Chinese Patent Law.

_____ has filed on _____

4. ☐ The examination is conducted on the original application document(s)

☒ The examination is conducted on the basis of the following document(s):

The original application documents submitted on the filing date: description, Pages 1-7, claims , figures 1-8;

The documents submitted on September 2, 2004: description, Page , claims 1-22, figure(s) ;

_____ submitted on _____: description, Page , claims , figure(s) ;

_____ proceeded without searching.

_____ proceeded under searching.

_____ reference documents have been cited in this office action (their serial

numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document(Number or Title)	Publication Date (or Filing date of interference patent applications)
1	US4545276A	October 8, 1985
2	US4634090A	January 06, 1987

6. The conclusive opinion of the examination is as following:

☐ Description:

- ☐ The subject matter of the application falls into the scope, within which no patent right shall be granted, defined by Article 5 of the Chinese Patent Law.
- ☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.
- ☐ The description is not in conformity with the provisions of Article 33 of the Chinese Patent Law.
- ☐ The drafting of description is not in conformity with the provisions of Rule 18 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

- ☐ Claim _____ does not possess novelty provided by Article 22(2) of the Chinese Patent Law.
- ☒ Claims 1-3 do not possess inventiveness provided by Article 22(3) of the Chinese Patent Law.
- ☐ Claim(s) _____ do not possess practical applicability provided by Article 22(4) of the Chinese Patent Law.
- ☐ Claim(s) _____ fall into the scope, within which no granted patent right shall be granted, provided by Article 25 of the Chinese Patent Law
- ☐ Claim _____ is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.
- ☒ Claim(s) 4, 13 are not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.
- ☐ Claim(s) _____ are not in conformity with the provisions of Article 33 of the Chinese Patent Law.
- ☐ Claim(s) _____ are not in conformity with the definition about invention provided by Rule 2(1) of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim(s) _____ are not in conformity with the provisions of Rule 13(1) of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ are not in conformity with the provisions of Rule 20 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim(s) _____ are not in conformity with the provisions of Rule 21 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim(s) _____ are not in conformity with the provisions of Rule 22 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim(s) _____ are not in conformity with the provisions of Rule 23 of the Implementing Regulations of the Chinese Patent Law.

The detail analysis for above conclusive opinion is described in the text of this office action.

7. On the basis of the above conclusive opinion, the examiner holds that:

- ☐ The applicant should make amendment in accordance with the requirements described in the

text of this office action.

- ☒ The applicant should expound reasons for that the above mentioned patent application can be granted the patent right, and make amendments to the specification of which is not in conformity with the provisions as described in text of this office action; otherwise the patent right shall not be granted.
- ☐ The patent application does not possess any substantive patentable contents, if the applicant fails to expound reasons or the reasons expounded are not sufficient, this application will be rejected.

8. The applicant shall pay more attention to the matters as following:

- (1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit the response within **FOUR** months from the date of receiving this office action. If the applicant fails to respond within the time limit without any justified reason, the application shall be deemed to have been withdrawn.
- (2) The amendment modified by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law, and shall be submitted in duplicate copies and in format in accordance with the relevant provisions of the Examination Manual.
- (3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office, the documents which are not mailed or submitted to the Receiving Department do not possess legal effect.
- (4) The applicant and/or his (its) agent shall not come to the Chinese Patent Office to interview with the examiner without an appointment.

9. The text of this office action consists of a total of 2 sheets, and is accompanied by the following annexes:

- ☒ The copies of the cited reference documents consist of 2 sets and 7 sheets.